

Remarks

The Office Action of March 27, 2002 has been carefully considered. Reconsideration of this application is respectfully requested. A related and pending application Serial No. 09/662,198 was concurrently filed on September 14, 2000, a copy of which is enclosed herewith.

Claims 1-20 have been provisionally rejected over United States Application No. 09/397,126. In response, Applicants requests abeyance of the provisional double patenting rejection until after allowed claims are determined in the applications.

Claims 1-20 are pending and stand rejected. Claim 21 has been added herein.

Claims 1-12, and 14-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kageyama (6,333,790). Claims 13 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kageyama (6,333,790) and M2 Presswire.

In response, Applicants have amended claims 1, 4-5, 9-10, 14, 15, and 17 for further clarification. Claim 9 has been amended to correct informalities.

The distinction from Kageyama and M2 Presswire may be briefly summarized as follows:

Kageyama relates to a printing system including a network, a first computer connected to the network, a second computer connected to the network, and a printer connected to the network. The first computer instructs the printer to print. The printer includes a printer controller and a printer engine. The printer controller includes an individual printer management part for managing the printer, and an individual printer information DB part. The second computer includes a total printer management service processing part for managing a plurality of printers including the printer connected to the network, and a total printer management information DB part. The second computer communicates with the printer controller and/or the first

computer over the network to manage the printer to cope with trouble in the printer, order consumable items and replacement parts for the printer, and update programs and data for using the printer.

M2 Presswire relates to printer management capabilities.

It is respectfully submitted that amended independent claim 1 is patentable as Kageyama does not teach, suggest or provide motivation for the totality of the combination, as a whole, as recited in amended independent claim 1. For example, Applicant submits that Kageyama does not teach or provide motivation to one of ordinary skill in the art for a method of ordering a part for a apparatus comprising: monitoring electronically a condition of a replaceable part in a first device, the replaceable part having: a first condition upon installation; at least one intermediate condition after use; and a third condition when a replacement part is substantially necessary; electronically sending a signal to a second device, the signal automatically electronically offering to purchase a replaceable part upon identification of at least one of the first condition, second condition, and third condition in the replaceable part; and sending a digital electronic signature associated with the offering to purchase the replaceable part, as recited in amended independent claim 1. Claims 2-13 depend from amended independent claim 1 and are also believed to be allowable. Therefore, withdrawal of the rejection of claims 1-13 is respectfully requested.

It is respectfully submitted that amended independent claim 14 is patentable as Kageyama does not teach, suggest or provide motivation for the totality of the combination, as a whole, as recited in amended independent claim 14. For example, Applicant submits that Kageyama does not teach or provide motivation to one of ordinary skill in the art for a method of ordering a part for an apparatus comprising: identifying electronically a condition in an apparatus; automatically launching an electronic communications to initiate at least one of an inquiry and an offer to purchase to a supplier based on the condition; displaying a purchase order

screen including a part number for a part automatically filled out on the purchase order screen based on the identified condition; sending an electronic purchase order for the part; and sending a digital electronic signature associated with the purchase order for the part, as recited in amended independent claim 14. Therefore, withdrawal of the rejection of claim 8-14 is respectfully requested.

It is respectfully submitted that amended independent claim 15 is patentable as Kageyama does not teach, suggest or provide motivation for the totality of the combination, as a whole, as recited in amended independent claim 15. For example, Applicant submits that Kageyama does not teach or provide motivation to one of ordinary skill in the art for a method of ordering a part for a marking device comprising: sensing a condition at a consumable part in the marking device, the marking device adapted to predict a code indicative of a threshold of a consumable; launching an electronic communication to access a computer at an address defined by the condition; sending an electronic purchase offer for a replacement for the consumable part to the electronic address defined by the condition; and sending a digital electronic signature associated with the purchase offer, as recited in amended independent claim 15. Claim 16 depends from amended independent claim 15 and is also believed to be allowable. Therefore, withdrawal of the rejection of claims 15-16 is respectfully requested.

It is respectfully submitted that amended independent claim 17 is patentable as Kageyama and M2 Presswire do not teach, suggest or provide motivation for the totality of the combination, as a whole, as recited in amended independent claim 17. For example, Applicant submits that Kageyama and M2 Presswire do not teach or provide motivation to one of ordinary skill in the art for a method of ordering a part for an imaging apparatus comprising: identifying electronically a condition in a consumable part, the consumable part including at least one an ink cartridge, toner cartridge, photoreceptor cartridge, paper, and printhead, the consumable part having a first condition upon installation, at least one

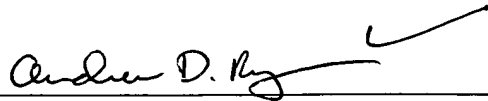
intermediate condition after use, and a third condition when a replacement of the consumable part is substantially necessary; using a software and sensor system associated with the apparatus for at least one of: (a) electronic monitoring of the condition of the consumable part; (b) electronic predicting of the condition of the consumable part; and after at least one of (a) and (b); (c) automatically launching an electronic communications to initiate at least one of an inquiry and an offer to purchase a replacement for the consumable part at an occurrence or prediction of at least one of the first condition, intermediate condition, and third condition; sending a purchase offer for a replacement for the consumable part to a URL address defined by the identified condition in the consumable part; and sending a digital electronic signature associated with the purchase offer, as recited in amended independent claim 17. Claims 18-20 depend from amended claim 17 and are also believed to be allowable. Therefore, withdrawal of the rejection of claims 17-20 is respectfully requested.

Accordingly, Applicants respectfully request that the Examiner carefully consider each of the pending claims 1-20 and new claim 21 in their entirety, as a whole, and to allow these claims and this application.

Conclusion

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to call Applicant's attorney, Andrew D. Ryan, at telephone number (585) 423-4636, Rochester, New York.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE:

1. (Amended) A method of ordering a part for a [xerographic] apparatus comprising:

monitoring electronically a condition of a replaceable part in a first device, the replaceable part having: a first condition upon installation; at least one intermediate condition after use; and a third condition when a replacement part is substantially necessary; [and]

electronically sending a signal to a second device, the signal automatically electronically offering to purchase a replaceable part upon identification of at least one of the first condition, second condition, and third condition in the replaceable part ~~[using an electronic signature.]; and~~

sending a digital electronic signature associated with the offering to purchase the replaceable part.

4. (Amended) The method of **claim [2] 3** further comprising installing the replaceable part prior to occurrence of the third condition.

5. (Amended) The method of **claim [1] 3** further comprising delivering the replaceable part to the first device when monitoring indicates the condition of the part is between about the first condition and the third condition.

9. (Amended) The method of **claim 1** wherein at least one of the first device [as] and the second device are interactive.

10. (Amended) The method of **claim 1** further comprising:

displaying a purchase order screen[, the purchase order screen]
including data relating to the part automatically filled out on the purchase order
screen based on an identified condition; and *Nw*

sending the data electronically to a supplier of the part after personal
information data is automatically entered by an application program into the
purchase order screen. *Nw*

14. (Amended) A method of ordering a part for an apparatus
comprising:

identifying electronically a condition in an apparatus; [and]

automatically launching an electronic communications to initiate at
least one of an inquiry and an offer to purchase to a supplier based on the
condition[.];

displaying a purchase order screen including a part number for a part
automatically filled out on the purchase order screen based on the identified
condition;

sending an electronic purchase order for the part; and
sending a digital electronic signature associated with the purchase
order for the part. *Nw*

15. (Amended) A method of ordering a part for a marking device comprising:

sensing a condition at a consumable part in the marking device, the marking device adapted to [at least one of identify and] predict a code indicative of a threshold of a consumable; [and]

launching an electronic communication to access a computer at an address defined by the condition [for ordering];

sending an electronic purchase offer for a replacement for the consumable part to the electronic address defined by the condition; and

sending a digital electronic signature associated with the purchase offer.

17. (Amended) A method of ordering a part for an imaging apparatus comprising:

identifying electronically a condition in a consumable part, the consumable part including at least one an ink cartridge, toner cartridge, photoreceptor cartridge, paper, and printhead, the consumable part having a first condition upon installation, at least one intermediate condition after use, and a third condition when a replacement of the consumable part is substantially necessary; [and]

using a software and sensor system associated with the apparatus for at least one of: (a) electronic monitoring of the condition of the consumable part; (b) electronic predicting of the condition of the consumable part; and after at least one of (a) and (b); (c) automatically launching an electronic communications to initiate at least one of an inquiry and an offer to purchase a replacement for the consumable part at an occurrence or prediction of at least one of the first condition, intermediate condition, and third condition[.];

sending a purchase offer for a replacement for the consumable part to a URL address defined by the identified condition in the consumable part; and

sending a digital electronic signature associated with the purchase offer.

Please add the following claim:

21. The method of ordering a part of **claim 1** wherein the electronically sending of the signal to the second device is a wireless communication.